

CALIFORNIA ENERGY COMMISSION

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**STATE OF CALIFORNIA**

**Energy Resources Conservation
 and Development Commission**

In the Matter of:

)	Docket No. 99-AFC-3
Application for Certification for the)	
Metcalf Energy Center [Calpine Corporation)	REVISED SCHEDULING
and Bechtel Enterprises, Inc.])	ORDER

I. BACKGROUND

The Committee issued its initial Scheduling Order on July 16, 1999. That Order envisioned release of the Preliminary Staff Assessment (PSA) on December 7, 1999. Applicant and Staff since have agreed case developments rendered that date impractical.

Staff proposed a revised schedule in its Status Report 4 (December 6, 1999). Applicant also submitted a revised schedule (December 9, 1999 Status Report #4), and filed a Motion to Set Schedule (December 10, 1999). The Committee then discussed these matters at the December 16, 1999 Conference.

II. DISCUSSION

The chief difference between the schedule proposed by Applicant and that proposed by Staff concerns whether or not the PSA is issued in multiple parts. This, in turn, affects the scheduling of subsequent events.

Staff believes that the PSA should contain its preliminary analysis of all technical topic areas in order to provide a comprehensive document for public review. Therefore, it proposes to publish its PSA by April 24, 2000. This date is dependent, however, upon timely receiving

additional information from Applicant, as well as from the California Independent System Operator (Cal ISO) and the Bay Area Air Quality Management District (BAAQMD).¹ (12/16/99 RT 58, 62.) Applicant's additional information (referred to as Supplement C) will include new data affecting at least the air quality, public health, and biology technical areas. (12/16/99 RT 57-58.) Staff also desires time for additional discovery on matters covered in the forthcoming Supplement C. (12/16/99 RT 57.) Other parties and members of the public support Staff's proposal. (See, e.g., 12/16/99 RT 71-74, 77, 80, 102, 104, 107.)

Applicant would prefer that Staff issue the PSA in two parts —the first by March 3, 2000, and the second (containing an analysis pertaining to air quality, public health, and biology) by May 8, 2000. In Applicant's estimation, this would allow the public more time to review topic areas for which complete information has been submitted (i.e. those contained in the first part), while also allowing those interested to focus on the limited number of areas contained in the second part. (See 12/16/99 RT 51-52.) Various commentators also supported Applicant's proposed schedule. (12/16/99 RT 139, 165.)

We recognize the merit in Applicant's approach since it would allow participants additional time to focus on various topic areas. The present case is, however, notable for both its complexity and the high degree of demonstrated public interest. Both Staff and the City of San Jose have indicated uncertainty as to which topics may require further analysis following submittal of Supplement C.² Intervenors clearly desire a complete document. It is also currently unknown whether or not consultation with the United States Fish and

¹ Staff's proposed schedule assumes Supplement C will be filed on February 1, 2000; Applicant indicates this filing may not occur until February 15, 2000. Depending upon the actual filing date, a comprehensive PSA would thus be available sometime between April 24 and May 8, 2000. (12/16/99 RT 59.) Determinations from the Cal ISO and the BAAQMD have already been delayed past the times envisioned in the original Scheduling Order and are either currently being developed or dependent upon information yet to be submitted by Applicant.

² Staff indicated this future filing could impact its analysis in the technical areas pertaining to air quality, public health, biology, water, geology, land use, visual, and facility design. (12/16/99 RT 58.) The City of San Jose may also be concerned with multiple topic areas, and prefers a comprehensive analysis, at some point, for its consideration. (12/16/99 RT 82.) Information in Supplement C will also be used by the BAAQMD in preparing its Preliminary Determination of Compliance (PDOC), a process which will require 45 to 60 days. (12/16/99 RT 59.) After submission of the PDOC, Staff requires approximately three weeks to finalize its PSA.

Wildlife Service will be required (12/16/99 RT 62), and this could influence the completeness of Staff's analysis.

After considering these factors, we conclude that it is preferable to have Staff issue a PSA which is complete and presents an *initial* independent analysis of *all* topic areas. A comprehensive PSA will also provide participants only a single document to review. While subject to change, such document should serve as a focal point for refining any outstanding substantive issues and allowing us to more accurately gauge the scheduling of future events during the balance of this proceeding. We believe it would be speculative to attempt to establish firm dates for the entirety of the proceeding at this time, and therefore establish the scheduling guidance set forth below only through issuance of the PSA.

To keep all parties apprised of ongoing developments in this case, we require the submission of periodic status reports. Moreover, we will also consider holding an additional Status Conference prior to the scheduled release of the PSA to assess the case's progress. We will reevaluate scheduling matters at that time, or at such earlier date as may become appropriate.

These elements are reflected in the schedule below. In the meantime, Staff shall continue to independently convene such public workshops as are appropriate to develop, discuss, and identify information relevant to a comprehensive and timely analysis of the proposed project.

II. REVISED SCHEDULE

<i>EVENT</i>	<i>DATE</i>
Applicant provides Cal ISO with sensitivity studies	mid-January 2000
Applicant files Supplement C	Between February 1-15, 2000
Applicant provides Cal ISO determination	February 4, 2000
Parties file Status Report #5	February 16, 2000
Applicant indicates whether federal consultation is required	February 29, 2000
Staff completes MOU with City of San Jose	February 29, 2000
Parties file Status Report #6	March 16, 2000
Applicant provides PDOC	Between April 3-14, 2000
Staff issues comprehensive PSA	Between April 24-May 8, 2000

Members of the public may participate in all phases of the licensing process in a variety of ways. If you need information concerning public participation, please contact Roberta Mendonca, the Commission's Public Adviser, at (916) 654-4489 or, toll free in California, at (800) 822-6228 or email: <PAO@energy.state.ca.us> Media inquiries should be directed to Claudia Chandler, Assistant Executive Director for Media and Public Communications, at (916) 654-4989 or email at: <energia@energy.ca.gov>

Technical questions concerning the project should be addressed to Paul Richins, the Commission's Project Manager, at (916) 654-4074 or email: <prichins@energy.state.ca.us> Questions of a legal or procedural nature should be directed to Stanley W. Valkosky, the Hearing Officer, at (916) 654-3893.

Information concerning the status of the project, as well as notices and other relevant documents, is also available on the Energy Commission's Internet home page at:
<www.energy.ca.gov/sitingcases/metcalf>

Dated: _____

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AND DEVELOPMENT COMMISSION

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